

REMARKS

In accordance with the foregoing, claims 17, 27, and 28 are amended. No new matter is being presented, and approval and entry are respectfully requested. Claims 23 and 34 are cancelled herein without prejudice or disclaimer.

Claims 17-22, 24-33, 35, and 36 are pending. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Final First Office Action Would Not Be Proper

Applicants respectfully submit a final first Office Action would not be proper in view of the amendments to the independent claims made herein.

Claim Amendments

Claim 17 is amended herein to recite a central processing unit including "a storing unit that stores . . . a different set of resources required for executing the commands that are available when the each one of the operation modes is set; . . . an access control unit that, when the input command is included in the set of commands corresponding to the current operation mode, determines whether a necessary resource to execute the input command is included in the set of resources corresponding to the current operation mode; and an execution unit that, upon the necessary resource is included in the set of resources corresponding to the current operation mode, executes the input command by using the firmware or the logic circuit in conjunction with the necessary resource." Claims 27 and 28 are similarly amended.

No new matter is being presented, and approval and entry are respectfully requested.

Items 3-9: Rejection of Claims 17, 18, 20, 24-25, 27-29, 31, and 35-36 under 35 U.S.C. §102(b)

In items 4-9 of the Office Action, the Examiner rejects claims 17, 18, 20, 24-25, 27-29, 31, and 35-36 under 35 U.S.C. §102(b) as being anticipated by Keller et al. (U.S.P. 5,752,032). The rejection is traversed.

As set forth in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention. Keller does not support an anticipatory-type rejection by not disclosing features recited in the present application's independent claims. For example, independent claim 17, as amended herein, recites a central processing unit that includes:

a)"an input unit that inputs a command that can be executed by using a firmware or a logic circuit;"

b) "a storing unit that stores a plurality of operation modes, each one of the operation modes corresponding to a different set of commands and a different set of resources required for executing the commands that are available when the each one of the operation modes is set;"

c) "a determining unit that determines whether the input command is included in the set of commands corresponding to a current operation mode (emphasis added);

d) "an access control unit that, when the input command is included in the set of commands corresponding to the current operation mode, determines whether a necessary resource to execute the input command is included in the set of resources corresponding to the current operation mode; and

e)"an execution unit that, upon the necessary resource being included in the set of resources corresponding to the current operation mode, executes the input command by using the firmware or the logic circuit in conjunction with the necessary resource." Independent claims 27 and 28, as amended herein, have similar recitations.

That is, according to an embodiment of the present invention, even if the input command is included in the set of commands corresponding to the current operation mode, the central processing unit does not execute the input command unless the condition is satisfied that a necessary resource in the set of resources corresponding to the current operation mode are allowed to be used.

By contrast, Keller recites:

Preferably, the patched in mode set API call is hooked to the shell object and provides the desired new spatial resolution of the physical display 32. The API call will also specify a color depth in combination with the desired spatial resolution. If both the desired color depth and spatial resolution are the same as the current color depth and spatial resolution, the API call simply returns. If only the spatial resolution differs, then only a mode switch need be performed.

(see, for example, col. 27, lines 15-23).

That is, Keller merely teaches a determining whether the desired color depth and spatial resolution are the same as the current color depth and spatial resolution, and teaches the API call returns when the both are the same.

However, Keller does not disclose the necessary resources for executing the command. Accordingly, Keller does not teach "an access control unit that, when the input command is included in the set of commands corresponding to the current operation mode, determines whether a necessary resource to execute the input command is included in the set of resources corresponding to the current operation mode," as recited by claim 17, for example.

By contrast, regarding the necessary resources, Keller discloses:

In the preferred embodiment of the present invention, these system services include memory allocation, freeing of previously allocated memory, the loading and unloading of dynamic link libraries, memory management functions such as enabling a memory object to be executable or to lock a memory object in real memory, to disable the executable or lock status of memory objects, to read and write data to defined I/O addresses, and to open, read and close named data files typically as stored by the mass storage peripheral 18.

(see, for example, col. 9, lines 3-12).

That is, Keller merely teaches obtaining the necessary resources for executing command, when a command is executed. However, Keller does not teach nor suggest "an access control unit that, when the input command is included in the set of commands corresponding to the current operation mode, determines whether a necessary resource to execute the input command is included in the set of resources corresponding to the current operation mode," as recited by claim 17, for example.

Summary

Since features recited by independent claims 17, 27, and 28, as amended herein (and dependent claims 18, 20, 24, 25, 29, 31, 35, and 36 depending from claims 17, 27, or 28 including all of the feature of claims 17, 27, and 28 plus additional features) are not taught by Keller, the rejection should be withdrawn and claims 17, 18, 20, 24, 25, 27-29, 31, 35, and 36 allowed.

Items 10-14: Rejection of Dependent Claims 19, 21, 22, 26, 30, 32, and 33 under 35 U.S.C. §103(a)

In item 10 of the Office Action, the Examiner rejects dependent claims 19 and 30 under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Heinonen et al.(U.S.P. 6,633,758) and in items 11-12 of the Office Action rejects dependent claims 21, 22, 32, and 33 under 35 U.S.C. §103(a) as being obvious over Keller in view of Bryon Nevis et al.(U.S.P. 6,581,159). Further, in item 13 of the Office Action, the Examiner rejects dependent claim 26 under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Mark Biondi (U.S.P. 6,622,246) and further in view of Brent Gregory et al. (U.S.P. 5,748,488). The rejection is traversed.

All of the claims rejected in the current Office Action under 35 U.S.C. §103(a) depend from independent claims 17, 27, or 28 and thus include all of the features of claims 17, 27, and 28, as amended herein, plus additional features. Applicants respectfully submit that features recited by independent claims 17, 27, and 28 and thus dependent claims 19, 21, 22, 26, 30, 32, 33 are not taught by even an *arguendo* combination of the art relied on by the Examiner.

The Examiner relies on Heinonen in particular col. 3, lines 4-10, as disclosing a creating a new operational mode consisting of existing parameters from existing operational modes and

adding additional application specific parameters. (Action at pages 4-5).

However, Applicants submit that Heinonen does not disclose an access control unit that, when the input command is included in the set of commands corresponding to the current operation mode, determines whether a necessary resource to execute the input command is included in the set of resources corresponding to the current operation mode.

Therefore, even an *arguendo* combination of Keller and Heinonen, does not teach a determination of whether the necessary resource to execute the input command is corresponding to the current operation mode.

The Examiner relies on Nevis, in particular col. 4, lines 28-30, as disclosing using digital signature techniques to validate the firmware. (Action at page 5).

However, the Applicant submits that Nevis does not disclose the access control unit that, when the input command is included in the set of commands corresponding to the current operation mode, determines whether the necessary resource to execute the input command is included in the set of resources corresponding to the current operation mode.

Therefore, even an *arguendo* combination of Keller and Nevis, the resulting combination would not disclose the determination of whether the necessary resource to execute the input command is corresponding to the current operation mode.

The Examiner relies on Biondi, in particular col. 6, lines 26-30, as disclosing using a logic circuit instead of firmware.

However, the Applicant submits that Biondi does not disclose the access control unit that, when the input command is included in the set of commands corresponding to the current operation mode, determines whether the necessary resource to execute the input command is included in the set of resources corresponding to the current operation mode.

Therefore, even an *arguendo* combination of Keller and Biondi, does not teach the determination of whether the necessary resource to execute the input command is corresponding to the current operation mode.

The Examiner relies on Gregory, in particular col. 2, lines 28-42, as disclosing that to generate a logic circuit all that is needed is the information on the signals, and disclosing how to generate that logic circuit after receiving the appropriate information on the signals.

However, Applicants submit that Gregory does not teach the access control unit that, when the input command is included in the set of commands corresponding to the current operation

mode, determines whether the necessary resource to execute the input command is included in the set of resources corresponding to the current operation mode.

Therefore, even an *arguendo* combination of Keller, Biondi, and Gregory does not teach the determination of whether the necessary resource to execute the input command is corresponding to the current operation mode.

Summary

Since features recited by dependent claims 19, 21, 22, 26, 30, 32, 33 are not taught by an *arguendo* combination of the art relied on by the Examiner, the rejection should be withdrawn and claims 19, 21, 22, 26, 30, 32, and 33 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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